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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mohammed N. Islam  
Serial No.: 10/005,472  
Filing Date: November 6, 2001  
Group Art Unit: 3663  
Examiner: Deandra M. Hughes  
Confirmation No.: 9249  
Title: MULTI-STAGE OPTICAL AMPLIFIER AND BROADBAND  
COMMUNICATION SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND  
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Ruth L. Rasor, Director of Licensing, for The Regents of the University of Michigan., represent that The Regents of the University of Michigan is the assignee and the exclusive owner of the entire right, title and interest of, in and to Application Serial No. 10/005,472, filed on November 6, 2001, for "Multi-Stage Optical Amplifier and Broadband Communication System," as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 012361, Frame 0697; and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

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the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

The Regents of the University of Michigan hereby disclaims the terminal part of any patent granted on the above-identified application, that would extend beyond the expiration date of:

U.S. Patent No. 6,335,820 B1 granted January 1, 2002;

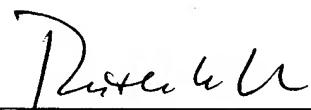
assigned to and owned by said The Regents of the University of Michigan and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent granted shall be the same as the legal title to United States Patent No. 6,335,820 B1, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent No. 6,335,820 B1, in the event that one or more of the following occurs: U.S. Patent No. 6,335,820 B1 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Applicants request that filing fee of \$55.00 for this Terminal Disclaimer be charged to Deposit Account No. 02-0384 of Baker Botts L.L.P. Applicants believe no other fees are due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

17 May 2004  
Date

  
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Ruth L. Rasor  
Director of Licensing